

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

VIA ECF

January 9, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Pursuant to Your Honor's Individual Practices in Civil Cases (Rev. June 28, 2021), III.D., the Plaintiffs' Executive Committees and counsel for the *Ashton* Plaintiffs respectfully write concerning oral argument on Saudi Arabia's letter-motion to strike (ECF No. 9500, sealed) and Dallah Avco's joinder (ECF No. 9501). Briefing on the letter-motion was completed yesterday, January 8, 2023.

For the reasons already set forth in Plaintiffs' Opposition (ECF No. 9504), Plaintiffs maintain that Saudi Arabia's letter-motion is improper and should be summarily denied. However, if the Court is inclined to entertain any aspect of the motion, then oral argument would assist the Court in addressing the numerous issues raised.

Oral argument would also allow the parties the opportunity to address highly disputed matters raised for the first time in Saudi Arabia's reply, ECF No. 9510. Saudi Arabia makes unsupported representations about materials seized from its agent Omar Al-Bayoumi in September 2001 and produced in this litigation by the UK Metropolitan Police Service (MPS) in 2022 and 2023. The MPS productions include Bayoumi's videotapes, photographs, and extensive work correspondence, none of which were produced by Saudi Arabia. Saudi Arabia's attempt to shore up Bayoumi's deposition testimony regarding those materials is belied by documents in the MPS 2023 production, which show that the originals were returned to Bayoumi over two decades ago. Oral argument would afford the parties an opportunity to clarify the record before the Court regarding the nature, provenance, content, and discovery of the MPS materials.

Respectfully submitted,

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The Honorable Sarah Netburn
January 9, 2024
Page 2

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cc: The Honorable George B. Daniels, via ECF